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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-C

**Statutory Rules and Orders (Other than those published in Parts I, I-A and I-L)
made by Statutory Authorities other than the Government of Gujarat
including those made by the Government of India, the High Courts, the
Director of Municipalities, the Commissioner of Police, the Director of
Prohibition and Excise, the District Magistrates and the Election
Commission, Election Tribunals, Returning Officers and other
authorities under the Election Commission.**

BY THE HIGH COURT OF GUJARAT AT AHMEDABAD

NOTIFICATION

No.C.2002/93

The Honourable the Chief Justice and Judges of this High Court have been pleased to make the following amendments in The Gujarat High Court Rules, 1993 :-

1. Short title and commencement:-

- (i) These rules shall be called “The Gujarat High Court (Amendment) Rules, 2024.” (No.2 of 2024).
- (ii) They shall come into force with effect from the date of publication in the *Official Gazette*.

2. Insert the following words, as **Title**, above Rule 163 under Chapter-XV.

“APPELLATE SIDE :”

3. Insert the words **“physically as well as digitally:”** after the word **“preserved”** in Rule 164(i) under Chapter-XV.
4. Insert the following as a Sub-Rules (6), (7), (8) after Sub-Rule (5) in the existing Rule 164(i) under Chapter-XV.
- “(6) Index with Original Memoranda of Appeals, Cross-objections, Revision Applications, References, Confirmation Case, Contempt matters, Appeal from Order, Applications for Review, Condonation of Delay, Leave to Appeal and Suspension of Sentence without annexures.**
- (7) Index with Memo of Applications (SCA/SCR.A) under Articles 226 and 227 of the Constitution of India (except PASA and Externment matters) and Writ Petition (PIL) without annexures.**
- (8) Index with Memo of Criminal Misc. Applications including affidavit thereof without annexures.”**
5. Insert the words **“or to the High Court under the Letters Patent.”** after the words **“Supreme Court”** in Sub-Rule (2) of Rule 164(iii) under Chapter-XV.
6. Substitute Sub-Rule (3) of Rule 164(iii), under Chapter-XV, as under;
- “(3) Applications for transfer, PASA, Externment or stay of proceedings.”**
7. Insert the following as Sub-Rule (3A) in the existing Rule 164(iii) after Sub-Rule (3), under Chapter-XV :
- “(3A) Applications for bail which are filed in Criminal Appeals (from the date of final disposal of Appeal).”**
8. Substitute the words **“2, 3 and 3A above.”** for the existing words, **“2 and 3 above.”** appearing in Sub-Rule (4) of Rule 164(iii), under Chapter-XV.
9. Substitute Sub-Rule (7) and Sub-Rule (8) of Rule 164(iii), under Chapter-XV, as under;
- “(7) Annexures of Appeals, Cross-objections, Revision Applications, References, Confirmation Case, Contempt matters, Appeal from Order, Applications for Review, Condonation of Delay, Leave to Appeal and Suspension of Sentence.**
- (8) Annexures of Applications (SCA/SCR.A) under Articles 226 and 227 of the Constitution of India and Writ Petition (PIL).”**
10. Insert the following as **Sub-Rule (8A)** in existing Rule 164(iii) after Sub-Rule (8), under Chapter-XV :
- “(8A) Annexures of Criminal Miscellaneous Applications.”**
11. Delete **Sub-Rule (14)** of Rule 164(iii), under Chapter-XV.
12. Substitute Sub-Rule (4) of Rule 164(iv), under Chapter-XV, as under;
- “(4) Applications for bail, Parole, Furlough, Jail matters which are not filed in Criminal Appeals.”**
13. Insert the following as Sub-Rule (4A) in existing Rule 164(iv) after Sub-Rule (4), under Chapter-XV :
- “(4A) Criminal Appeals filed for bail under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.”**
14. Insert the following as Sub-Rule (18) in existing Rule 164(iv) after Sub-Rule (17), under Chapter-XV :
- “(18) Caveat shall be kept for one year after expiry of 90 days and thereafter the same shall be destroyed.”**
15. Substitute the word **“D”** for the existing word **“C”** appearing in **Rule 79**, after the words **“Classified as”**, under Chapter-V.
16. Insert the following as **Rule 164A** and **Rule 164B** alongwith the title **“ORIGINAL SIDE”** after the existing Rule 164, under Chapter-XV :

“ORIGINAL SIDE :

- 164A.** (i) The papers which are required to be preserved permanently shall be marked 'A' and kept in file 'A'.
 (ii) The papers which are required to be preserved for 30 years shall be marked 'B' and kept in file 'B'.
 (iii) The papers which are required to be preserved for 12 years shall be marked 'C' and kept in file 'C'.
 (iv) The papers which are required to be preserved for 6 years shall be marked 'D' and kept in file 'D'.

164B. (i) The following Original Side papers shall be permanently preserved physically as well as digitally:

- (1) In the case of Suits—
 - (i) Complaint/Memo of Suit and its CA/MCA.
 - (ii) Written statement and counterclaim and set-off.
 - (iii) Reply to counterclaim and set-off.
 - (iv) Judgment (including interlocutory judgments).
 - (v) Preliminary and final decree.
 - (vi) Final order.
 - (vii) Order confirming sale in execution.
 - (viii) Copy of the sale certificate.
- (2) In the case of matter other than suits (not being of an interlocutory kind)—
 - (i) Judgment.
 - (ii) Final decree or final order.
- (3) In the case of appeals to the High Court-
 - (i) Judgment (including interlocutory judgments).
 - (ii) Decree or final order.
 - (iii) Memo of appeal without annexures.
 - (iv) Memo of cross-objection without annexures.
- (4) In the case of applications and references in tax matters-
 - (i) Judgment (including interlocutory judgments).
 - (ii) Final order.
 - (iii) Letter/Final Writ issued to concerned Authority.
 - (iv) Statement of the Case/Question of Law/Memo with its Annexures and Affidavit-in-Reply and Affidavit-in-Rejoinder filed therein.
- (5) In the case of testamentary matters-
 - (i) Petitions for probate, letters of administration and succession certificate.
 - (ii) All other petitions under the Indian Succession Act and The Administrator General's Act.
 - (iii) Judgment (including interlocutory judgments).
 - (iv) Decree or final order.
- (6) Application/Petitions under Articles 226 and 227 of the Constitution of India without annexures.
- (7) In the case of References other than in tax matters-
 - (i) Judgment.
 - (ii) Decree or final order.
 - (iii) All papers and its CA/MCA.
- (8) All registers of Original Side matters.
- (9) Judgments, Decrees and final orders of the Supreme Courts in cases decided by the Gujarat High Court.
- (10) Files containing original judgments signed or initialed by the Judges.
- (11) Such papers as, in the opinion of the Registrar have historical, sociological or scientific value.

(ii) To be preserved for 30 years-

- (1) In the case of suits-
 - (i) Application for execution.
 - (ii) Proceedings in execution.
 - (iii) Order directing sale of movable or immovable property.
 - (iv) Bond given as security.
 - (v) Roznama of Suit.
- (2) In the case of matters other than suits (not being of an interlocutory Kind)-
 - (i) Petition or application or Criminal Case or Official Liquidator Report or Special Jurisdiction Cases in company matters and its CA/MCA.
 - (ii) Petition, application or award under the Arbitration Act and its CA/MCA.
 - (iii) Petition or application under Indian Trusts Act and its CA/MCA.
 - (iv) Petition or Application under the Trade Marks Act and the Trade and Merchandise Marks Act, the Copyright Act, the Patent Act, the Geographical Indications of Goods (Registration & Protection) Act and Design Act and its CA/MCA.
 - (v) Petition or application for appointment of a guardian of the Person or property of a minor or a lunatic and its CA/MCA.
 - (vi) Election Petition or Election Application and its CA/MCA.
 - (vii) Cancellation Application and its CA/MCA.
 - (viii) Commercial Application and its CA/MCA.
 - (ix) Petition under Christian Marriage Act and its CA/MCA.
- (3) In the case of appeals to the High Court-
 - (i) Annexures of appeals and cross-objections including Affidavit-in-Reply and Affidavit-in-Rejoinder and its CA/MCA.
- (4) In the case of testamentary matters-
 - (i) Administration Bond and Application for Interlocutory Orders.
- (5) Writs communicating final orders in Applications/ Petitions under Articles 226 and 227 of the Constitution of India.

(iii) To be preserved for 12 years-

- (1) In the case of suits-
 - (i) Affidavit giving particulars of averments in pleadings.
 - (ii) Issues.
 - (iii) Judge's Notes of hearing.
 - (iv) Notes of evidence.
- (2) In the case of matters other than suits (not being of an interlocutory kind)-
 - (i) Petition or application including Affidavits in support of petition or application, Affidavit-in-Reply and Affidavit-in-Rejoinder not otherwise provided for by these rules.
- (3) In the case of appeals to the High Court and appeals to the Supreme Court One copy of the appeal paper book.
- (4) In the case of applications and References in tax matters-
 - (i) Applications for Interlocutory Orders.
- (5) In the case of testamentary matters-
 - (i) Affidavit of the attesting witness.

(iv) To be preserved for 6 years —

- (1) In the case of suits, matters (including tax and testamentary matter) and appeals-
 - (i) Order in interlocutory applications.
 - (ii) Extra copy of the appeal paper book in appeals to the High Court and to the Supreme Court.
 - (iii) Petition for leave to appeal to the Supreme Court.
 - (iv) Exhibits.
 - (v) Books of account and other books, papers and documents lodged in the High Court on the dissolution of Companies under the Companies Act.
 - (vi) Extra copy of paper book of Reference and appeal to the Supreme Court.
 - (vii) All papers not otherwise provided for by these rules.
- (2) Annexures of Application/Petitions under Articles 226 and 227 of the Constitution of India including Applications for Interlocutory Orders.”

17. Insert the following as Rule 169A after the existing Rule 169, under Chapter-XV :

- “169A. (I) Second set to be preserved for two years--** In case of disposed matters of Division Bench on Appellate or Original Side, only Memo and its Annexures of Second Set of such matters shall be destructed after two years from the date of disposal.
- (II)** All papers of Appellate or Original Side matters in which registration is refused or which are rejected or dismissed for defaults or withdrawn before admission (Stamp Number) to the Register shall be destructed after one year from the date of such disposal.”

DATE : NOVEMBER 12, 2024**MOOLCHAND TYAGI,
REGISTRAR GENERAL.**